

## **REMARKS/ARGUMENTS**

In response to the Office Action of June 7, 2007, Applicant has made amendments to the claims to place the application in condition for allowance. No new matter has been added.

Claims 1 – 25, 27, 36, 48 - 50 and 52 - 60 have been canceled. Claims 26, 28 - 29 and 51 have been amended, as indicated hereinabove. Claims 38 – 42 have been presented in their original form. Claims 30 – 35, 37, 43 – 47 and 61 - 63 have been previously presented. No new claims have been added. Therefore, claims 26, 28 – 35, 37 – 47, 51 and 61 - 63, inclusive, are presently pending.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 36 and 52 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 36 and 52 have been canceled rendering the Examiner's rejections thereto moot.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 26 – 33, 37 – 47, 51 - 52 and 61 - 63 stand rejected under 35 U.S.C. §102(e) as being anticipated by Stewart et al. (U.S. Patent 7,051,071).

Applicant respectfully submits that amended claims 26, 28 - 29 and 51 patentably distinguish over the workflow integration system of Stewart et al. Specifically, Stewart et al. fails to disclose a process management platform configured to process at least one proprietary transaction definition format, as

presently claimed by Applicant. Stewart et al. teaches instead that the “solution should be easy and relatively inexpensive for partners to integrate in a non-proprietary fashion ...” (Col. 8, lines 26 – 28).

Claims 29 – 33, 37 – 47 and 61 - 63 are dependent on amended independent claim 26 and as such are also believed to patentably distinguish over the workflow system of Stewart et al.

A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). To anticipate by inherency, “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Ex Parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

There is no basis or rationale provided that would render the presently claimed invention inherently disclosed by Stewart et al. Stewart et al. is mainly concerned with “[A]ctivity diagrams, state charts, and class diagrams [that] are used to define transaction models between roles, workflow state models, and a message space, respectively 450.” (Col. 31, lines 49 – 52). See in this regard Fig. 25. There is no basis in fact and/or technical reasoning to reasonably support a determination that the presently claimed process management platform of Applicant necessarily flows from the teachings of Stewart et al.

In view of the above comments and amendments, Applicant respectfully requests withdrawal of the §102(e) claim rejections.

**Claim Rejections Under 35 U.S.C. §103**

Claims 34 – 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stewart et al.

Regarding claims 34 – 35, Applicant respectfully submits that there is no suggestion or motivation in Stewart et al. in regard to modifying its workflow system in any way as to provide a process management platform configured to process at least one proprietary transaction definition format, as presently claimed by Applicant.

The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In this regard, Stewart et al. teaches away from Applicant by disclosing that the "solution should be easy and relatively inexpensive for partners to integrate in a non-proprietary fashion ..." (Col. 8, lines 26 – 28). Moreover, the Examiner admits that Stewart et al. does not disclose business process data comprising technical information and item acquisition data, as claimed by Applicant.

The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification, In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed.

Cir.1984). Clearly, the various modifications asserted by the Examiner would have no bearing on the patentability of Applicant's claims, as currently amended.

Rejections based on 35 U.S.C. §103 must rest on a factual basis. In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968). In making such rejections, the Examiner has the initial duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. Id. One cannot use hindsight construction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention, In re Fine, 5 USPQ 2d 596 (Fed. Cir. 1988).

Claim 36 has been canceled rendering the Examiner's rejections thereto moot.

In view of the above comments and amendments, Applicant respectfully requests withdrawal of the §103 claim rejections.

**Conclusion**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Applicant believes that the application, as presently amended, is in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the telephone number listed herein below to discuss any steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Date: October 4, 2007

GAH/MM:sch

Enclosures:

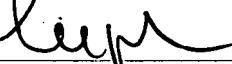
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Amendment Transmittal Form

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October 4, 2007

Date